

II. **REMARKS**

The Office Action dated June 17, 2008, has been received and carefully noted. The amendments made herein and the following remarks are submitted as a full and complete response thereto.

By this amendment, claims 1, 4, 5, 11-21 and 23 are amended. Support for the amendment can be found in the specification and claims as originally filed. For example, Applicants submit that claims 1, 4, 5, 11-21 and 23 have been amended to correct informalities and typographical errors and to clarify the scope of the presently claimed invention. Further, Applicants have amended claims 12-20 to conform with U.S. patent practice. Applicants submit that no new matter has been added and respectfully request reconsideration and withdrawal of the pending Restriction Requirement.

The Restriction Requirement asserted that the claims define two (2) allegedly independent and distinct inventions and required the Applicant to elect one of the following two inventions:

- I. Claims 1-11 and 21-23 drawn to products of the formula (I).
- II. Claims 12-20 drawn to methods of preparing a drug.

Applicants hereby provisionally elect Group I, claims 1-11 and 21-23, drawn to products of formula (I), with traverse. Applicants reserve the right to file one or more divisional applications to the non-elected subject matter.

The Examiner has also required that Applicants elect a single compound for prosecution. Applicants elect the following compound, with traverse: N-[4-[5-(4-methylphenyl)-3-(trifluoromethyl)-1H-pyrazol-1-yl]phenylsulfonyl]-4-nitroxy-butanamide, which is the compound in Example 4 and Example F1 and specifically claimed in claim 9.

This election is made with traverse.

As an application subject to PCT Rule 13, Applicants submit that they are entitled to "an independent claim for a given product, an independent claim for a process specially adapted for the manufacture of said product, and an independent claim for a use of the said product" for prosecution in the present application (MPEP § 1850 (III)(1)).

Further, Applicants submit that the species contained in the Markush formula are linked as to form a general inventive concept. In fact, Applicants submit that all

of the claimed compounds are derivatives of cyclooxygenase-2 (COX-2) inhibitors that are transformed *in vivo* in compounds with enhanced COX-2 inhibiting activity and that release molecules able to modulate the bioavailability of nitrogen oxide (see p. 2, line 20 of WO 2004/000781). In other words, Applicants submit that the compounds of the invention are all derivatives of drugs belonging to the same therapeutic class of COX-2 selective inhibitors and can be synthesized using the general methods reported in the application (see pages 12-14 of WO 2004/000781). Applicants submit that the examples are representative of the above-mentioned therapeutic class.

In view of the Applicants' above elections, Applicants respectfully submit that the Restriction Requirement and the Election of Species Requirement have been satisfied. Applicants submit that claims 1, 4, 5, 9, and 11-23 read on the elected invention and the elected species. Accordingly, Applicants respectfully request examination of claims 1, 4, 5, 9, and 11-23 on the merits.

Please charge any fee deficiency or credit any overpayment with respect to this paper to Deposit Account Number 01-2300, referencing Attorney Docket Number 026220-00058.

Respectfully submitted,



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